

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CBKZZ INVESTMENT LLC d/b/a CASA  
ROSA HOTEL,

Plaintiff,

-against-

RENAISSANCE RE SYNDICATE 1458  
LLOYDS and MT. HAWLEY INSURANCE  
COMPANY,

Defendants.

22-cv-10672 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Defendants Mt. Hawley Insurance Company and Renaissance Re Syndicate 1458 Lloyd's filed a motion for summary judgment in this case. In the motion, defendants state that an insurer does not need to show prejudice to disclaim liability if an insured does not provide timely notice of its claim. Dkt. 51 at 11.

No later than **January 12, 2024**, defendants are ORDERED to file a letter, not to exceed three pages, addressing the applicability of New York Insurance Law § 3420. *See Pactrans Air & Seas, Inc. v. New York Marine & Gen. Ins. Co.*, 387 F. App'x 43, 45 n.2 (2d Cir. 2010) (holding that the insurance law provides "that untimely notice shall not invalidate a claim unless, in the case of notice provided within two years, an insurer proves prejudice, and, in the case of notice provided outside two years, the insured fails to prove lack of prejudice.").

Plaintiff CBKZZ Investment LLC may file a response, not to exceed three pages, no later than **January 17, 2024**.

SO ORDERED.

Dated: December 22, 2023

New York, New York

  
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ARUN SUBRAMANIAN  
United States District Judge